

CHAPTER 4 PARKING

401—4.1(18) Purpose—definitions. The purpose of these rules is to provide citizens with the most convenient access to Iowa state offices in the capitol complex, to provide state employees the benefit of a parking space within a reasonable distance of their offices and to remove the hazards inherent in unregulated parking. The director adopts the following rules that will establish a system for parking vehicles within the capitol complex.

“*Capitol complex*” for the purposes of this chapter means an area within the city of Des Moines within which the Iowa state capitol building is located. This area includes all real estate owned by the state of Iowa adjacent to or within 2000 feet of the capitol building.

“*Capitol police*” means a peace officer of the capitol police division of the Iowa department of public safety.

“*Controlled lot*” means parking lots assigned by the department of general services and controlled by any of the following: parking gates, vehicle decals, signs, symbols, or markings.

“*Director*” means the director of the department of general services of the state of Iowa or the director’s designee.

“*Employee*” means any person employed by the state of Iowa regularly assigned to work in the capitol complex and includes legislators, judges, temporary workers and persons who are service contractors or private contractors with the state and their employees.

“*Habitual violator*” means any owner of a vehicle which accumulates six or more separate and distinct citations in any given six-month period regardless if payment is made in a timely manner.

“*Handicapped parking permit*” means a permit bearing the international symbol of accessibility issued by the department which allows the holder to park in a handicapped parking space, and includes the following:

1. A handicapped registration plate issued to or for a handicapped person under Iowa Code section 321.34, subsection 7.

2. A handicapped parking sticker affixed to a registration plate issued to a disabled veteran under Iowa Code section 321.66, subsection 6, or to an operator under Iowa Code section 321.34.

3. A handicapped removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a handicapped parking space.

“*Handicapped parking space*” means a parking space including the access aisle, designated for use only by motor vehicles displaying a handicapped parking permit that meets the requirements of Iowa Code sections 321L.5 and 321L.6.

“*Handicapped person*” means a person with a disability that limits or impairs the person’s ability to walk. A person shall be considered handicapped for purposes of this chapter under the following circumstances:

1. The person cannot walk 200 feet without stopping to rest.
2. The person cannot walk without the use of, or assistance from, a brace, a cane, a crutch, another person, prosthetic device, wheelchair, or other assistive device.

3. The person is restricted by lung disease to such an extent that the person’s forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.

4. The person uses portable oxygen.

5. The person has a cardiac condition to the extent that the person’s functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association.

6. The person is severely limited in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.

“*Operator*” means any person who is in actual physical control of a vehicle.

“Overflow lot” means a lot designated by the department of general services as an overflow lot.

“Overtime parking” means parking in a space or lot longer than the posted time limit.

“Owner” means a person who is named on the legal title of a vehicle as the owner or, in the case of vehicles without title certificates, the person who is lawfully seized of the vehicle.

“Parking coordinator” means an employee, designated within each department, with the assigned duties of disseminating information, requesting parking decals and access cards from the department of general services for employee parking lot assignment and building access.

“Peace officer” means those persons defined as peace officers by Iowa Code chapter 80.

“Ride sharing” means a group of not less than four state employees who arrive and depart from work in one vehicle.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include any device moved by human power.

“Visitor” means a person who is not included in the definition of employee.

401—4.2(18) Parking space assignments.

4.2(1) Each parking space in the capitol complex will be assigned, on an individual or lot basis, by the director.

4.2(2) The assignment of spaces will be indicated and designated by traffic control devices including but not limited to signs, instructions, lines or symbols painted on curbs or on parking surfaces, or by curbs, barricades, blocks, and lights. A raised parking control gate or missing parking control gate does not constitute open parking.

4.2(3) Spaces or lots will be assigned to four classes of drivers: handicapped visitors, visitors, employees and handicapped employees.

401—4.3(18) Parking for persons who are handicapped.

4.3(1) Spaces designated for handicapped visitors shall be used only by handicapped visitors or by persons transporting handicapped visitors. Such visitors are required to display a handicapped parking permit from the rearview mirror so as to be in view when looking through the windshield from outside the vehicle, or have a handicapped registration plate on the vehicle.

4.3(2) A handicapped visitor or a person transporting a handicapped visitor may use a space or lot assigned to visitors if the handicapped visitor spaces near the building to be entered are occupied.

4.3(3) Spaces designated for handicapped employees shall be used only by employees who are handicapped or persons who are transporting employees who are handicapped and who display upon their vehicle a handicapped parking permit or have a handicapped registration plate on the vehicle.

401—4.4 Reserved.

401—4.5(18) Deliveries. Most buildings in the capitol complex have delivery entrances for vehicle use and delivery vehicles shall use these entrances. Each of the restrictions and regulations contained in these rules, all traffic control devices and state law shall apply to delivery vehicles. The director may, upon application showing such information the director deems advisable, issue a sign, symbol or device to be used by delivery vehicles to park in spaces or areas designated on such sign, symbol or device for such temporary periods as the director may determine.

401—4.6(18) Employee parking.

4.6(1) The director will issue each employee a permit, state parking decal or device to use a space or to enter a controlled parking lot. The decals will be coded and shall only be used in the assigned space or lot. Vehicles with such decals shall not park in spaces reserved for visitors.

4.6(2) All employees who park any vehicle(s), except a bicycle, in the capitol complex shall register the vehicle(s) and obtain a parking decal(s) and space or lot assignment within five days after com-

mencing to park said vehicle in capitol complex. No employee is exempt from this registration for any reason.

4.6(3) No employee who fails to obtain a parking decal and space or lot assignment shall park in the capitol complex.

4.6(4) No parked vehicle may display more than one state capitol complex parking decal on the same vehicle.

4.6(5) Parking decals issued prior to July 1, 1995, shall be permanently affixed within 48 hours of issuance to the lower left of the rear window of a sedan, pickup, van, or similar vehicle. If a topper is placed on the pickup, the decal shall be placed on the lower windshield on the driver's side. In convertibles, it shall be placed on the lower corner of the rear side window on the driver's side. On station wagons, it shall be placed in the lower corner of the rear side window on the driver's side. In vehicles with rear window defrosters, the decal may be placed on the lower windshield on the driver's side. Effective July 1, 1995, all parking decals must be permanently affixed within 48 hours of issuance to the lower windshield on the driver's side. On a motorcycle, such decal shall be placed upon the back side (nonreflecting) of the rearview mirror. The use of tape or adhesive other than that found on the decal to affix said decal is prohibited.

4.6(6) A lost decal may be replaced upon application to the parking coordinator.

4.6(7) Decals which become damaged or unidentifiable or which are on a vehicle which is being assigned to a different parking lot requiring a new decal, must be replaced upon application to the parking coordinator. If cards used for operating automatic parking gates are issued and lost or damaged to the extent that they are no longer operational they may be replaced upon paying a fee prescribed by the director. Vehicles which are being released for the purchase of a new vehicle must have the parking decal removed.

401—4.7(18) Temporary parking. If for some reason an employee is unable to park in an assigned parking space or lot, or an individual who is a visitor in the capitol complex drives a vehicle with a decal assigned to a specific lot, the employee or individual must attempt to locate alternative parking in an overflow lot or on the street. If no parking spaces are available, the employee or visitor may park in another space or lot provided that capitol police are immediately telephoned and given the registration (license plate) number of the vehicle and the lot or space which is being used.

401—4.8(18) Prohibited parking.

4.8(1) No vehicle shall be parked in a manner that violates any of these rules or state law.

4.8(2) No vehicle shall be parked in a manner that causes:

- a. Two spaces to be occupied.
- b. A street, parking lot lane or traffic lane to be blocked within a capitol complex parking lot.
- c. A building entrance to be blocked or obstructed.
- d. Access to fire hydrants or emergency equipment or vehicles to be blocked or obstructed.
- e. Another vehicle to be blocked in.
- f. Pedestrian walkways or sidewalks to be obstructed or blocked.
- g. The view of an intersection, crosswalk, traffic control sign or signal to be blocked or obstructed within a capitol complex parking lot.
- h. An area to be occupied which is prohibited to vehicle parking.
- i. Overtime parking.

4.8(3) No vehicle shall be parked in a space designated for use by a handicapped visitor or handicapped employee unless the driver is handicapped or is transporting a handicapped visitor.

4.8(4) No vehicle shall be parked in a space or lot unless that space or lot is designated for use by or assigned to the driver. However, spaces or lots that are not otherwise designated (by sign or symbol that indicates a restricted or continuous reserved status such as legislator, emergency vehicle or handicapped person) may be used between 6 p.m. and 6 a.m. and during weekends and state government holidays.

4.8(5) No vehicle shall be parked on curbs, upon grass or in any area not intended for vehicle parking.

4.8(6) No delivery vehicle shall be parked in a manner or for a period of time that does not comply with the restrictions established for that vehicle by the director or with a traffic control device.

4.8(7) No vehicle for which there remain unpaid parking tickets for a period exceeding 30 calendar days shall be allowed to park in the capitol complex.

4.8(8) If any vehicle is found stopped, standing or parked in any manner violative of the provisions of these rules and the identity of the operator cannot be determined, the owner, or operator or corporation in whose name said vehicle is registered shall be held responsible for said violation.

401—4.9(18) Waiver. As the design of these rules is to facilitate the system of parking, encourage compliance and reduce conflict, any rule contained herein, unless otherwise provided by law, may be suspended or waived by the director to aid law enforcement, to prevent undue hardship in any particular instance or to prevent surprise, unnecessary conflict or injustice. All suspensions and waivers shall be in writing. The director will change space and lot designations, temporarily or permanently, as appropriate to maintain an integrated parking system. Changes may occur during legislative sessions, periods of construction and special events and will be made in writing.

401—4.10(18) Enforcement.

4.10(1) The capitol police will be primarily responsible for the enforcement of these rules.

4.10(2) The capitol police may in their discretion enforce these rules by:

- a. Issuing oral or written orders or directions to an owner or operator.
- b. Removing or causing to be removed a vehicle in accordance with subrule 4.10(7). A vehicle may be removed for nonpayment of all parking fines whether or not it is illegally parked at that time.
- c. Commencing the procedure established by the director to impose a fine.
- d. Arresting the owner or operator if a public offense is being committed.
- e. Issuing a citation (summons to appear in court) if a public offense is being committed.

4.10(3) The director may rescind the privilege to park in the capitol complex for any vehicle where there remain unpaid parking tickets for a period exceeding 30 calendar days.

4.10(4) The director may rescind the privilege to park in the capitol complex for any vehicle that is a habitual violator.

4.10(5) Capitol police have the right to remove from the capitol complex the vehicle of a habitual violator.

4.10(6) If capitol police determine that a vehicle is to be removed, the capitol police shall have the vehicle removed by the use of state equipment or by a private contractor.

4.10(7) The director may contract with an individual or firm to provide services for removing (towing) vehicles found in violation of these rules or state law, and to store such vehicles until claimed by the owner, or disposed of as abandoned vehicles.

4.10(8) Capitol police, upon impounding a vehicle, shall give notice in person, by telephone or by ordinary mail to the owner of the vehicle. The notice shall state the specific violation claimed or other reason for which it was impounded, its location and the fee for the removal, storage and notice. The towing contractor shall release the vehicle to the owner upon notification by the department of general services that the owner or operator has paid all outstanding citations and the service fee has been paid to the towing contractor. The amount of this fee will be determined by the contract executed by the director and an individual or firm.

4.10(9) If an owner or operator returns to the vehicle prior to its removal but after the towing contractor has been summoned, the capitol police may require that the vehicle not be taken from the capitol complex until the service vehicle arrives. Upon the service vehicle's arrival, the vehicle may be allowed to leave after the operator pays to the service vehicle operator the cost of the service call and after notification by the department of general services to the capitol police that all outstanding citations

have been paid. The contractor shall issue a receipt for such payment to the owner or operator and the capitol police.

4.10(10) If the owner or operator wishes to contest the fees paid because of the removal or attempted removal of the vehicle, the owner or operator shall immediately notify the office of the director. Upon such notification, the owner or operator will be provided with written instructions that describe the procedure the director will use to conduct a hearing to consider the owner's or operator's evidence and arguments. Upon such notification, the fees paid by the owner or operator shall be considered a bond that will be held to ensure the appearance of the owner or operator at such hearing. The director or other person chosen by the director to act as the hearing officer may determine after the hearing that such bond will be returned, in whole or in part, to the owner or operator or may continue to be retained as fees. If the bond, or part thereof, is returned to the owner, the state shall pay said moneys and the towing contractor will be required to return a part or all of said moneys to the state and the state will reimburse both the owner or operator and towing contractor.

4.10(11) Operators entering a parking lot in a manner not consistent with usual parking lot access procedures shall be subject to a parking citation and possible charge for damages. Access to parking lots inconsistent with usual access procedures includes, but is not limited to: tailgating a car into a parking lot; opening a gate for other persons with operator's card; driving over the curb; driving around the gate; or lifting a parking gate by hand.

401—4.11(18) Fines. A fine of \$5 is hereby established for the violation of any of these rules, except handicapped parking. Improper use of a handicapped parking space is subject to a \$50 fine pursuant to Iowa Code section 321L.4(2). A violator may be notified of a violation by being served with a parking violation ticket which:

1. May be served personally to the operator or placed upon the vehicle parked in violation of a rule.
2. Will advise the operator of the rule violated.
3. Will instruct the operator that the operator is required to pay \$5, for each violation charged, to the department of general services within ten days by submitting the ticket or the ticket number and the fine or fines in cash, check or money order, preferably a check payable to the Department of General Services, Customer Service Center, Hoover Building, Level A, Des Moines, Iowa 50319 or by mailing said amount to that office.
4. Will warn the operator that the director may rescind after 30 days the parking privilege of any vehicle or owner or operator having unpaid parking tickets. When the parking privilege is rescinded, the vehicle will not be allowed to park in any employee, visitor or overflow lot in the capitol complex until all fines are paid. The director may authorize capitol police to tow any vehicle found to be parked in the capitol complex for which parking privileges have been rescinded.
5. Will warn the violator that failure to pay the fine may result in the director proceeding against the violator in an Iowa district court.
6. Will advise the operator how to obtain a hearing on the charges.

401—4.12(18) Ride sharing. In order to provide incentives for ride sharing, the director may designate specific parking spaces for assignment to carpools. Only those carpools which have four or more people, including the driver, will be given preferred parking space. Each carpool will be issued an identification device which must be hung from the rearview mirror of the vehicle. Only the access card of one member of the carpool will be programmed to provide access to the assigned lot and access to parking lots will be denied all other members of the carpool. The names of those who wish to apply for preferred carpool parking will be maintained by the director; in exceptional circumstances, the director may authorize preferred carpool parking for carpools with fewer than four members.

These rules are intended to implement Iowa Code sections 18.4 and 18.11.

[Filed emergency 1/21/77—published 2/9/77, effective 1/21/77 to 3/15/77]

[Filed 1/21/77, Notice 12/15/76—published 2/9/77, effective 3/16/77]

[Filed 11/8/84, Notice 8/29/84—published 12/5/84, effective 1/9/85]

[Filed 10/25/89, Notice 8/23/89—published 11/15/89, effective 12/20/89]

[Filed 1/12/96, Notice 12/6/95—published 1/31/96, effective 3/6/96]

[Filed 8/22/96, Notice 7/3/96—published 9/11/96, effective 10/16/96]